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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RYUICHI HIRAIDE

Plaintiff,

v.

VAST SYSTEMS TECHNOLOGY
CORPORATION, ALAIN LABAT and
KYLE PARK, MDV VII, L.P. as nominee
for: MDV VII, L.P., MDV VII Leaders
Fund, L.P., MDV Entrepreneurs Network
Fund VII (A) LP. And MDV Entrepreneurs,
Network Fund VII (B) L.P., MDV Partners
L.L. and Seventh MDV Partners L.L.C.

Defendant.

Case No. C08-04714 RMW (PVT)

**STIPULATION AND []
ORDER EXTENDING DEADLINE TO
HOLD ADR SESSION**

1 WHEREAS, on April 16, 2009, Plaintiff filed his ADR Certification by Parties and
2 Counsel (Docket No. 40) pursuant to ADR L.R. 3-5 b; and

3 WHEREAS, on April 17, 2009, Defendants filed their ADR Certification by Parties and
4 Counsel (Docket No. 41) pursuant to ADR L.R. 3-5 b; and

5 WHEREAS, on April 16, 2009, the parties filed a Stipulation and Proposed Order
6 Selecting Private ADR Process (Docket No. 39); and

7 WHEREAS, on April 20, 2009, the Court entered a Stipulation and Order Selecting
8 Private ADR Process (Docket No. 43); and

9 WHEREAS, the Court's April 20, 2009 Order Selecting Private ADR Process set the
10 deadline to hold the ADR session on **July 20, 2009**.

11 WHEREAS, despite the best efforts of the parties to select a mutually agreed upon
12 mediator and to arrange a mutually convenient time for private mediation, the earliest possible
13 date to hold the ADR session was July 28, 2009; and

14 WHEREAS, after agreeing on July 28, 2009 as a suitable date, additional scheduling
15 difficulties have since arisen and Plaintiff's Counsel has asked for the mediation to commence in
16 early- to mid-August 2009

17 THEREFORE IT IS HEREBY STIPULATED AND AGREED, by and between the
18 parties through their counsel of record:

19 The deadline to hold the ADR session shall be extended to August 15, 2009.

20 IT IS SO STIPULATED.

21 Dated: July 2, 2009

MURRAY & HOWARD, LLP

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23 By: /s/ Derek G. Howard
DEREK G. HOWARD

24 Attorney for Plaintiff RYUICHI HIRAIDE
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1 Dated: July 2, 2009

O'MELVENY MYERS LLP

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3 By: /s/ Dhaivat H. Shah
DHAIVAT H. SHAH

4 Attorney for Defendants VAST SYSTEMS
5 TECHNOLOGY CORPORATION, ALAIN
6 LABAT, KYLE PARK, MDV VII, L.P., and
SEVENTH MDV PARTNERS L.L.C.

7 **ORDER**

8 Pursuant to Stipulation, and Good Cause having been shown,
IT IS SO ORDERED.

9
10 Dated: 7/16, 2009


11 HON. RONALD M. WHYTE
12 UNITED STATES DISTRICT JUDGE

13 I, Derek G. Howard, am the ECF User whose ID and password are being used to file this
14 Stipulation and Proposed Order Setting Briefing Schedule. In compliance with General Order 45,
15 X.B., I hereby attest that Dhaivat H. Shah has concurred in this filing.

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17 By: /s/ Derek G. Howard
18 DEREK G. HOWARD
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CERTIFICATE OF SERVICE

Re: *Hiraide v. VaST Systems Technology Corporation et al.*
Case No. 08-04714 RMW

I certify and declare under penalty of perjury that I: am a citizen of the United States and employed in the County of Alameda, State of California, am over eighteen (18) years of age and my business address is Murray & Howard, LLP, 900 Larkspur Landing Circle, Suite 103, Larkspur, California 94939, whose members are members of the State Bar of California. I am not a party to or interested in the cause entitled upon the document to which this Certificate of Service is affixed; and that I served a true and correct copy of the following document(s) in the manner indicated below:

**STIPULATION AND [PROPOSED] ORDER EXTENDING
DEADLINE TO HOLD ADR SESSION**

XX By USDC ECF: by USDC Live System-Documents Filing System on all interested parties registered for e-filing.

I declare under the penalty of perjury that the foregoing is true and correct. Executed on July 2, 2009 at Larkspur, California.

By: /s/ Amanda L. Arnall
AMANDA L. ARNALL